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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,949	10/17/2001	Gary W. Giles	01-240	9091
74576	7590	07/25/2008		
HUGH P. GORTLER			EXAMINER	
23 Arrivo Drive			HARTMAN JR, RONALD D	
Mission Viejo, CA 92692				
			ART UNIT	PAPER NUMBER
			2121	
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			07/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/981,949

Applicant(s)

GILES ET AL.

Examiner

Ronald D. Hartman Jr.

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-61 and 63-75 is/are pending in the application.
- 4a) Of the above claim(s) 14, 15, 17-48, 60, 61 and 63-75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 11-13, 49, 50, 52 and 57-59 is/are rejected.
- 7) ☒ Claim(s) 3, 7-10, 51 and 53-56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Minor Informalities

Claim 9, lines 2-3, "numerically control files" is grammatically incorrect.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6, 11-12, 50, 52 and 57-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Underwood, U.S. Patent No. 7,100,195.

Claim 1 recites a meta-layer set of computer instructions residing on computer-readable storage media *for integrating the communications within a manufacturing facility (intended use of the instructions)*; See MPEP 2111.02, section II) comprising:

- a graphic user interface generator for generating browser compatible graphic displays based upon data;
- a data exchange for communicating data to the graphic user interface generator for display, the data exchange including a look-up table to enable translating legacy data and a two-way communication layer allowing real-time interaction between the graphic user interface generator and software wrappers; and
- software wrappers for enabling communication of legacy data between the data exchange and a software server whereby a user interaction received at the graphic user interface generator modifies legacy data at the software server.

As best understood, these features are anticipated by a computer based system that allows legacy data, of possibly disparate applications, to communicate with one another (cross platform communications), wherein a GUI is used to communicate with the disparate applications and allows a user the ability to make changes to the legacy data, wherein the legacy data is "wrapped" so that a user is afforded a uniform look and feel, with regards to accessing the disparate applications, that may operate using different protocols and or underlying software. A typical phrase used to describe such functionality is Enterprise Application Integration (EAI), and is well known in the art of business systems whereby many subsystems, that are possibly disparate due to their use of different communication protocols or underlying software, which can be linked and integrated together so as to form an overall business-centric network topology, wherein each of the sub-systems are then able to effectively communicate with one another without needing to replace the underlying legacy data. This provides an advantage of being able to integrate newer applications with pre-existing applications which leads to greater flexibility of the entire system without requiring the replacement of the legacy systems.

Underwood teaches a system that is believed to adequately anticipate claim 1 (e.g. See Figures 1D, 5, 8B, 9B-15A, 15B, 30-31, 47-48, 51-53, 77-79, 89, 123, 145B, 149-150 and their corresponding textual descriptions).

As per claim 2, Underwood teaches the utilization of HTML (e.g. See Figures 47, 51-53 and their corresponding textual descriptions).

As per claim 4, clearly Underwood teaches a network infrastructure (e.g. See Figures 1D, 5, 8B, 9B-15A, 15B, 30-31, 47-48, 51-53, 77-79, 89, 123, 145B, 149-150 and their corresponding textual descriptions).

As per claim 5, clearly Underwood teaches the utilization of a server (e.g. See Figure 1D and its corresponding textual descriptions).

As per claim 6, Underwood teaches modifying legacy data (e.g. See Figures 1D, 5, 8B, 9B-15A, 15B, 30-31, 47-48, 51-53, 77-79, 89, 123, 145B, 149-150 and their corresponding textual descriptions).

As per claims 11-12, Underwood teaches inventory and ordering functions and features (e.g. See Figures 145B, 147, 152 and their corresponding textual descriptions).

As per claim 49, the rejection of claim 1 is applied herein.

As per claim 50, the rejection of claim 2 is applied herein.

As per claim 52, the rejection of claim 6 is applied herein.

As per claims 57-58, the rejection of claims 11-12 are applied herein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood, as applied to claim 5 above, in view of Official Notice.

As per claims 13 and 59, although Underwood does not specifically disclose the utilization of a server called a Manufacturing Enterprise System, The utilization of such a system represents an obvious implementation of Underwood since Underwood is akin to an Enterprise Application Integration system that allows more than one system to be integrated together, whereby a legacy system does not need to be replaced, but rather,

data associated with the legacy system is wrapped and is therefore able to be utilized by a browser that allows the legacy data to be represented effectively regardless of the platform or underlying communications required by the legacy system. That being said, clearly a system as described by Underwood would find applicability in other areas, besides e-commerce, such as production or manufacturing. This would have been obvious to one of ordinary skill in the art at the time the invention was made for the purpose of allowing application associated with the production or manufacturing operations related to a product, to be integrated into one easily accessible system whereby a user could communicate effectively with any part of the overall manufacturing system regardless of the underlying communications protocol or software utilized by each part of the system, thereby increasing the overall flexibility and operability of the manufacturing system.

Allowable Subject Matter

Claims 3 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-8 and 53-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-10 and 55-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is

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(571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald D Hartman Jr./

Primary Examiner, Art Unit 2121

July 21, 2008

RDH